

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 9275 WO JB	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/010542	International filing date (<i>day/month/year</i>) 20.09.2004	Priority date (<i>day/month/year</i>) 20.09.2003	
International Patent Classification (IPC) or national classification and IPC B60K31/00, B60K17/356, B60K6/04, B62D11/04			
Applicant DEERE & COMPANY			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>2</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

 - international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages 1-16 as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the claims:
 nos. 2-23 as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* 1, 24 received by this Authority on 18.04.2005 with letter of 18.04.2005
 nos.* _____ received by this Authority on _____

the drawings:
 sheets 1/1 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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1. Statement

Novelty (N)	Claims	9-11	YES
	Claims	1-8, 12-24	NO
Inventive step (IS)	Claims		YES
	Claims	1-24	NO
Industrial applicability (IA)	Claims	1-24	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. This report makes reference to the following documents:

D1: DE 41 33 060 A (MANESMANN AG) 8 April 1993 (1993-04-08)

D2: EP-A-0 604 404 (CATERPILLAR INC) 29 June 1994 (1994-06-29)

2. The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claims 1 and 24 lacks novelty within the meaning of PCT Article 33(2).

- 2.1 D1 discloses (the reference signs in parentheses refer to said document):

a steering system for an agricultural or industrial utility vehicle, more particularly a tractor, an electric drive (9) being provided for each half of an axle, preferably a front axle (3), of the utility vehicle (61), by means of which electric drive at least one wheel (1) associated with each axle

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half can be driven, the electric drive (9) being actuatable in such a manner that the torque that can be predetermined by the electric drive (9) can be transmitted to the wheel (1) driven thereby, and the wheels (7) associated with a mechanical drive axle of the utility vehicle, particularly a rear axle (5), can **preferably** be driven by a mechanical drive of the utility vehicle that is driven by means of a combustion engine, the torque to be transmitted from a wheel on the outside when turning in order to support or cause the steering of the utility vehicle (6) being greater than the torque to be transmitted from a wheel on the inside when turning (cf. column 12, line 29 to column 13, line 35, figure 1).

- 2.2 Therefore, the subject matter of claim 1 lacks novelty (PCT Article 33(2)).
- 2.3 D1 also discloses (the reference signs in parentheses refer to said document):
a method for operating a steering system for an agricultural or industrial utility vehicle, more particularly a tractor, an electric drive (9) being provided for each half of an axle, preferably a front axle (3), of the utility vehicle (61), by means of which electric drive at least one wheel (1) associated with the each axle half can be driven, the electric drive (9) being

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actuatable in such a manner that the torque that can be predetermined by the electric drive (9) is transmitted to the wheel (1) driven thereby, and the wheels (14) associated with a mechanical drive axle of the utility vehicle (61), particularly a rear axle (5), are **preferably** driven by a mechanical drive of the utility vehicle (61) that is driven *by means of a combustion engine*, and the method for operating a steering system according to one of the claims 1 to 23 preferably being used, the torque to be transmitted from a wheel on the outside when turning being greater than the torque to be transmitted from a wheel on the inside when turning (cf. column 12, line 29 to column 13, line 35, figure 1).

- 2.4 Therefore, the subject matter of claim 24 lacks novelty (PCT Article 33(2)).
- 2.5 Observation: the term "preferably" refers to an optional embodiment of the claims.
3. Dependent claims 2-23 contain no features that, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step; see documents D1 and D2 and the corresponding text passages indicated therein.